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SEP 21 2007

Federal Communications Commission
Office of the Secretary

Before the
Federal Communications Commission
Washington, D.C. 20554

COPY

In the Matters of)	
)	
IP-Enabled Services)	WC Docket No. 04-36
)	
Implementation of Sections 255 and 251(a)(2) of)	WT Docket No. 96-198
The Communications Act of 1934, as enacted by)	
The Telecommunications Act of 1996: Access to)	
Telecommunications Service, Telecommunications)	
Equipment and Customer Premises Equipment)	
By Persons with Disabilities)	
)	
Telecommunications Relay Services and)	CG Docket No. 03-123
Speech-to-Speech Services for Individuals with)	
Hearing and Speech Disabilities)	
)	
The Use of N11 Codes and Other Abbreviated)	CC Docket No. 92-105
Dialing Arrangements)	

PETITION FOR WAIVER

Hamilton Telephone Company d/b/a Hamilton Telecommunications ("Hamilton"), on behalf of its Telecommunications Relay Services ("TRS") operations and pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, hereby petitions the Commission to waive Section 64.604(a)(4) of the rules, 47 C.F.R. § 64.604(a)(4) to the extent it requires TRS providers to automatically and immediately transfer calls originated on interconnected voice over internet protocol ("VoIP") networks to an appropriate Public Safety Answering Point ("PSAP"). For the reasons stated below, Hamilton respectfully submits that, in light of continued technological challenges to determining the geographic location of TRS calls originating on the Internet, such relief would conform with Commission precedent and serve the public interest.

The Commission's TRS regulations, and Rule Section 64.604 specifically, set forth operational, technical and functional mandatory minimum standards applicable to the provisions

of TRS. These standards apply to all forms of TRS when they are offered, unless they are waived.¹ Historically, the Commission has granted several such waivers, noting that "as new technologies develop and are applied to relay, it is not always easy to fit them into the pre-existing regulatory regime, especially a regime developed when relay calls were made entirely over the PSTN."²

Hamilton respectfully submits that current circumstances warrant such waiver relief to the extent Rule Section 64.604(a)(4), as recently extended to interconnected VoIP providers,³ requires TRS providers to automatically and immediately transfer calls originated on VoIP networks to an appropriate PSAP. As the Voice on the Net ("VON") Coalition has observed in a recently filed Petition to the Commission,⁴ although the interconnected VoIP service industry has stated that it is expending significant effort to comply with the Commission's schedule for the implementation of mandatory operational standards, it continues to confront substantial technical difficulties and "many interconnected VoIP providers find it difficult if not impossible to meet" the October 5 deadline the Commission has set. VON Petition, pages 8, 11. As a result, Hamilton, and presumably other TRS providers, is unable to accurately determine the geographic location of TRS calls from interconnected VoIP providers, from ANI or ALI, regardless of whether they are routed on a 711 or 800 access number. This difficulty, in turn, makes it impossible for Hamilton to identify the most appropriate PSAP to which to route an emergency

¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, DA 06-3139, released December 5, 2005 ("Emergency Call Handling Waiver Order"), ¶ 2.

² *Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, FCC 05-48, released March 9, 2005 ("Order on Reconsideration"), ¶ 29. See also *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, FCC 05-196, released November 30, 2005 ("Notice of Proposed Rulemaking"), and *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, FCC 06-102, released January 11, 2007 ("Declaratory Ruling"), ¶ 29 and footnotes thereto.

³ *IP-Enabled Services*, FCC 07-110, released June 15, 2007 ("Report and Order").

⁴ Petition for Administrative Stay or Waiver of the Voice on the Net (VON) Coalition in WC Docket No. 04-36 et al., filed September 14, 2007 ("VON Petition").

call from interconnected VoIP providers, since the calling number information received at the relay is not correctly tied to a geographic location. As a practical matter, Hamilton cannot comply with Section 64.602(a)(4) of the Rules, which requires such routing "automatically and immediately" until this technical obstacle is overcome.

Against this background, Hamilton respectfully submits that the public interest would not be served by requiring Hamilton to comply with Section 64.604(a)(4) of the Rules until such time as the interconnected VoIP industry has addressed this substantial shortcoming, and that good cause has been shown for the grant of interim waiver relief.

WHEREFORE, for the reasons stated above, Hamilton respectfully urges the Commission to waive the provisions of Section 64.604(a)(4) of the rules as they apply to emergency calls routed to Telecommunications Relay Service providers by interconnected VoIP service providers until such time as the interconnected VoIP industry has established, to the Commission's satisfaction, that the technical impediments set forth above have been addressed.

Respectfully submitted,



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September 21, 2007

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